

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 347
CASE NO. 78-12
JULY 9, 1981

Pursuant to notice, public hearings were held by the District of Columbia Zoning Commission on November 27, 1978, and May 21 and 24, 1979, to consider amendments to the Zoning Regulations of the District of Columbia. The proposed amendments related to the definition and location of community based residential facilities. The changes proposed include elimination of the existing definitions of convalescent or nursing home, halfway house or social service center, philanthropic or eleemosynary institution and personal care home, and substitution therefore of a new definition of a community based residential facility.

The text amendments considered by the Zoning Commission in this case resulted initially from the concerns of several residents in the Adams-Morgan area of the District regarding what they considered "unwarranted discrimination against R-4 and R-5 residential areas of the city," in which districts the current Zoning Regulations permit halfway houses and social service centers as a matter-of-right under certain circumstances. The Adams-Morgan residents were specifically concerned about the nature and adequacy of the contractual safeguards of care facilities, their subsequent supervision, and the proliferation of such facilities within the Adams-Morgan section of the city. They further stated their view that it is unreasonable for one residential section of the District to bear the preponderant social, economic, environmental and other burdens related to halfway houses and social service centers.

At present, the Zoning Regulations define and permit a number of different kinds of facilities which provide residential accommodations and some degree of supervision for the persons residing in such facilities. Those facilities include:

1. Personal Care Home - A facility for up to four aged or infirm convalescents who need assistance in carrying out the functions of daily living. Such facilities were formerly licensed under Article 880 of the Housing Code, a regulation which has been repealed and been replaced by different standards for Community Residence Facilities. The Zoning Regulations still per-

mit personal care homes as a special exception in R-1, R-2 and R-3 Districts, and as a matter-of-right in R-4 and less restrictive districts.

2. Philanthropic or Eleemosynary Institution - A place of asylum supported wholly or substantially by endowment or contribution, including orphanages, homes for the elderly, etc. Such facilities are now permitted as a special exception in R-1, R-2, R-3 and R-4 Districts, and as a matter-of-right in R-5 and less restrictive districts.
3. Convalescent or Nursing Home - A facility for three or more persons suffering from chronic physical or mental disease or illness. Such facilities were formerly licensed under Article 880 of the Housing Code. Since the repeal of that article, the facilities are now known as intermediate care or skilled care facilities and are licensed under the Health Care regulations. Such a facility is permitted as a matter-of-right in R-4 and less restrictive districts.
4. Halfway House or Social Service Center - A community, correctional, rehabilitation, assistance or treatment center for persons in need of such assistance. A facility operated by or under contract to the District or Federal government is permitted as a matter-of-right in R-4 and less restrictive districts. A private facility is permitted as a special exception in R-4 and and R-5 Districts.

The regulations which were the subject of public hearings proposed to eliminate the various definitions cited above, and replace them with one consolidated definition for a community based residential facility. The proposed regulations would have permitted facilities housing no more than four persons as a matter-of-right in all residential, special purpose, mixed use, waterfront and commercial districts. Facilities housing five to eight persons would have been permitted in all R-1, R-2, R-3 and R-4 Districts as a matter-of-right, with a limit of one such facility per square. In those districts facilities housing nine or more persons, or proposals to locate more than one facility in a square would have required approval of the Board of Zoning Adjustment as a special exception. In R-5, SP, W and CR Districts, facilities housing five to fifteen persons would have been permitted as a matter-of-right, subject to the one per square spacing limitation. In those districts, facilities housing sixteen or more persons, or proposals to locate more than one facility in a square would have required BZA approval. In commercial districts, all facilities of any size would have been permitted as a matter-of-right. The Commission also stated in its

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notice of public hearing:

"In addition to the specific changes identified in this notice of public hearing, the Zoning Commission will also receive and consider alternative recommendations affecting, but not limited to, the size, location, use, type, and definition of community based facilities."

The effect of the proposed changes to the regulations would be to permit all kinds of community based residential facilities in all zones, with the size of the facility depending upon the general density of the zone. As compared to the existing regulations, the proposals for the R-1, R-2 and R-3 Districts are less restrictive, while the proposals for the R-4, R-5, W, CR, and SP Districts are more restrictive.

The Commission notes that the District of Columbia is constrained by a variety of court orders and Federal statutes to provide care, assistance and treatment to persons needing such care outside of the traditional institutional setting. In the case of Dixon v. Weinberger, 405 F. Supp. 974 (D.D.C. 1975), the U.S. District Court held that the District and Federal governments violated the rights of patients at St. Elizabeth's Hospital by failing to place those who have been determined suitable for placement in alternative facilities. In the case of Evans v. Washington, Civ. Action No. 76-0293 (D.C.D. 1978), the Court ordered the District to develop and provide for each resident of Forest Haven, the city's facility for the care of the substantially mentally retarded, a suitable living arrangement "in the least separate, most integrated and least restrictive" community setting. In the case of Mills v. Board of Education, 348 F. Supp. 866 (D.D.C. 1972), the Court required the District to provide each child eligible for publicly supported education, who was excluded from regular assignment by reason of handicap, adequate alternative educational services suitable to his or her needs. In the case of Burgos v. Washington, et al., Civ. Action No. 8029-73, the Court required the District to institute a comprehensive plan for the treatment of alcoholics, including a network of home-like facilities for clients referred from the city's Rehabilitation Center for Alcoholics in Occoquan or from community agencies. The Juvenile Justice and Delinquency Prevention Act of 1974 provides that to be eligible for Federal funding, a jurisdiction must submit a state plan which at least in part provides for community-based alternatives to juvenile detention and correctional facilities. The Juvenile Justice Amendments of 1977 prohibit the placement of status offenders in juvenile institutions.

The total effect of these judicial and legislative mandates is to increase the need for a network of community based residential facilities. In attempting to accommodate the present and future demand for such facilities, the Commission established several principles to guide its decisions:

1. The facilities should be dispersed as equally as possible around the entire District of Columbia.
2. No single area should contain a disproportionate share of such facilities, so as to be adversely impacted by the concentration of such facilities.
3. Smaller facilities, approximating the size and characteristics of families, should be encouraged, to lessen impact, increase compatibility and provide for true alternatives to institutional settings.
4. The size and density of such facilities should be generally consistent with the size and density permitted in the various zone districts contained in the Regulations.

The Commission was further guided by the necessity to balance the needs and desires of the three segments of the community directly affected by the proposed text amendments, the occupants of the facilities who use the services, the operators of the facilities who provide the services and the residents of surrounding neighborhoods who may be affected by the services.

The Commission notes further the "District of Columbia Comprehensive Plan Goals and Policies Act of 1978." This Act contains the first adopted local element of the comprehensive plan referred to in the Home Rule Act. The Zoning Act, as amended by the Home Rule Act, requires the Commission to prepare regulations which are not inconsistent with that comprehensive plan. Section 421 of the Goals and Policies Act sets out the goal of the District of Columbia "to offer a comprehensive range of community-based social services for those in need." Section 422(c) sets out the policy of promoting "social services within a community context." Section 702(a) sets out the policy of promoting "the conservation and improvement of residential neighborhoods for housing and other residentially-related uses." Section 702(b) establishes a policy of providing for "the development, application and enforcement of adequate land use controls which reinforce and help carry out other land use policies."

In implementing the goals and policies of the Comprehensive Plan, relying on the principles set forth earlier, and after a full and comprehensive review of the record, the Commission determined to divide community based residential facilities into three classes, for the purpose of determining in what districts and under what circumstances the various kinds of facilities would be permitted. Class A facilities were deemed to have the least impact, in terms of noise, traffic, activity and other perceived effects, and were also the most compatible with normal single family dwellings. Class A facilities include those for children and youth, the mentally retarded, health care and community residence facilities licensed under D.C. Law 2-35. Class B facilities were those deemed to have a moderate impact, and a potential for being less compatible with single family dwellings. Emergency shelters, which can vary considerably depending upon the size and type of the facility, are included in the Class B category. Class C facilities were those types of facilities that are residential in nature but potentially would have the greatest impact and would be the least compatible with other normal residential uses. Class C facilities include those for youth and adult offenders and substance abusers.

From the three impact classes, the Zoning Commission developed seven sub-categories of community based residential facilities and determined to regulate those categories as follows:

1. Youth residential care homes, for persons less than eighteen years of age, housing four persons or less are permitted as a matter-of-right in all districts where residences are permitted. Homes housing five to eight persons are permitted as a matter-of-right in R-1, R-2, R-3, R-4 and C-1 Districts, if there are no other facilities in the same square and within 500 or 1,000 feet of each other. Homes housing between nine and fifteen persons, or which do not meet the spacing limitation of one per square and 500 or 1,000 feet in distance, require approval of the Board of Zoning Adjustment. In R-5, W, CR, SP and C-2 Districts, homes housing five to fifteen persons are permitted as a matter-of-right subject to the spacing requirement, while larger homes housing up to twenty-five residents and those not meeting the spacing requirements must be approved by the BZA. In C-3, C-4 and C-5 Districts, homes of any size in any location are permitted as a matter-of-right.
2. Community residence facilities including those facilities licensed under D.C. Law 2-35, are permitted in the same zones in the same manner as youth residential care homes.

3. Health care facilities, including both licensed, skilled and intermediate care facilities, are permitted in the same zones in the same manner as youth residential care homes, except that the maximum number of residents which can be approved by the Board is 300 rather than fifteen or twenty-five.
4. Emergency shelters, providing temporary housing for persons otherwise homeless, housing up to four persons are permitted as a matter-of-right in all districts where residences are permitted. Facilities housing five or more residents must be approved by the BZA, with a limit of fifteen persons in the R-1, R-2, R-3, R-4 and C-1 Districts, and twenty-five persons in the R-5, SP, W, CR and C-2 Districts. All such facilities must meet the spacing limitation, of no more than one per square and 500 or 1,000 feet in distance. In C-3, C-4 and C-5 Districts, shelters of any size in any location are permitted as a matter-of-right.
5. Youth rehabilitation homes, for individuals less than twenty-one years of age detained or committed by a court, are permitted in all R, SP, W, CR, C-1 and C-2 Districts only as special exceptions. There is a maximum of fifteen residents in R-1, R-2, R-3, R-4 and C-1 Districts, and twenty residents in R-5, SP W, CR and C-2 District. All such facilities must meet the spacing limitation, of no more than one per square and 500 or 1,000 feet in distance. Such homes are a matter-of-right in C-3, C-4 and C-5 Districts.
6. Adult rehabilitation homes, for individuals twenty-one years of age or older under pre-trial detention or sentenced court orders, are permitted in the same zones in the same manner as youth rehabilitation homes.
7. Substance abusers homes, for individuals diagnosed abusers of alcohol, drugs or other controlled substances, are permitted in the same zones in the same manner as youth rehabilitation homes.

By adopting the regulations described above, the Commission believes it has basically achieved the dispersion, distribution and equity that is required. As opposed to the present regulations, the new regulations are less restrictive in certain respects, and more restrictive in others. The changes will likely result in more CBRF's being located in single family zones than at present, but will provide for adequate land use impact review in all areas. In that regard, the Commission notes that much of the testimony it received had to do with aspects of CBRF's that directly relate to programatic elements, which more properly should be addressed by licensing regulations than zoning. Such issues as the quality of care, supervision, screening of mentally ill patients, and trash disposal are all issues more properly left to licensing control than zoning.

In the review of the record, a number of special issues were raised that the Commission is compelled to address, as follows:

1. Definition of "family:" The Commission proposed no change in the definition of a family and the new regulations do not make any such changes. A family may thus continue to include up to six persons not related by blood, marriage or adoption who live together as a single housekeeping unit. A family is permitted to occupy any dwelling unit in any R, SP, W, CR or C District. Such families may include persons who would otherwise be residents of a CBRF if they had a "common need for treatment, rehabilitation, assistance or supervision in their daily living."
2. Foster care: Because of the way a family is defined, foster children must be counted against the limit of six persons unrelated by blood, marriage or adoption to be considered a family. Whenever there are more than six persons unrelated by blood, marriage or adoption, including foster children, such a group would be considered a youth residential care home, would require a Certificate of Occupancy, and would be regulated accordingly. This is actually a less restrictive provision than the present regulations, which do not technically permit a foster care situation with more than six persons in the house.
3. Mentally retarded: There was considerable sentiment in the record for separately defining a sub-category for the mentally retarded and for permitting facilities for eight persons as a matter-of-right. This would effectively regulate the mentally retarded differently from any other CBRF category, and in some respects would give the mentally retarded greater leeway than any normal family. The Commission believes it is inappropriate to discriminate for or against the mentally retarded, and believes that from a land-use perspective, homes for the mentally retarded should be treated the same as any other community residence facility or family.
4. Spacing requirements: The Commission examined a number of different alternatives for insuring that no one area would have a high concentration of such facilities. In order to account for different densities, different sizes of squares, and other factors, the final requirement includes a limit of one facility per square as well as a radial limitation of 1,000 or 500 feet depending upon the zone. These spacing requirements will be applied using the directory of existing CBRF's compiled by the Office of Planning and Development, as that

directory may be updated from time to time.

5. Effect on existing facilities: No special regulations have been introduced to apply to existing facilities. Such facilities would then be governed by the normal Zoning Regulations. Some of them would be conforming under the new regulations. Those that are lawfully in existence with a valid Certificate of Occupancy that do not meet the requirements of the new regulations would be considered non-conforming uses and would be governed by the applicable provisions of Article 71. This would allow such facilities to be continued indefinitely, as long as the use was not abandoned. The operator could change, and a new Certificate of Occupancy could be obtained. Government contracts could be renewed, or assigned, and the use continued. If a facility were to be expanded, or changed to a different kind of CBRF, then it would have to meet the requirements of the new regulations. All CBRF's that become non-conforming under the revised Regulations should be registered with the Zoning Administrator within six months.
6. Social service centers: The present regulations do not distinguish between a halfway house and a social service center. The new regulations permit only residential facilities in residential districts. Those social service centers which are not residential facilities will be permitted only in accordance with the other provisions of the Zoning Regulations. Some may fall into the category of community center building under Paragraph 3101.45, some may be temporary community service centers under Paragraph 3104.46, others may be legitimate accessory uses to other permitted principal uses, and others may be office uses permitted only in commercial districts. The Zoning Administrator and the Board of Zoning Adjustment will have to make such determinations under the Zoning Regulations in the normal course of business.

The Commission received considerable input in the form of written statements from Advisory Neighborhood Commission's. The proposed text amendment are to apply on a city-wide basis, and the Zoning Commission must balance the concerns of all interested parties, including local affected ANC's. The Commission received written input or statements at various points in the proceedings from ANC's 1A, 1D, 2A, 2C, 3C, 3E, 3G, 4C and 5A. The issues and concerns raised by the ANC's related to spacing, distribution across the city, definitions, density, supervision, operation, place of residence of the occupants and other programmatic aspects, and the size of facilities. All of these issues have been addressed in this order.

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The proposed action was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC reported that the proposed amendments to the text of the Zoning Regulations relating to community based residential facilities "are not inconsistent with the Comprehensive Plan," and that the amendments "will not adversely affect the Federal Establishment or other Federal interests in the National Capital."

The Commission further notes that the CBRF case was one of the most time consuming, complicated and comprehensive text amendments considered by the Zoning Commission in the last several years. The Commission believes that modifications or amendments to the regulations adopted at this time may be required in the future. The Commission believes that it has addressed all the major substantive issues raised in this case. The Commission further notes that if experience with the operation of the new regulations suggests that further amendments are required, the Commission will consider such amendments as are appropriate.

The Zoning Commission believes that it has achieved a proper balance in evaluating the issues before it in this case. The Commission notes that it cannot solve all of the problems raised in the context of this case, but believes that it has appropriately addressed the legitimate zoning issues presented. The Commission believes that the regulations it is hereby adopting are in the best interests of the District of Columbia as a whole and are consistent with the intent and purpose of the Zoning Regulations and the Zoning Act. It is therefore, hereby Ordered that the amendments to the Zoning Regulations set forth in the Notice of Final Rulemaking in Zoning Commission Case No. 78-12, a copy of which is attached hereto and made a part hereof, are adopted and the Regulations shall be amended accordingly.

Vote of the Commission taken at the public meeting held on March 12, 1981: 4-1 (George M. White, John G. Parsons, Walter B. Lewis and Ruby B. McZier to adopt; Theodore F. Mariani opposed by proxy).

Walter B. Lewis.

WALTER B. LEWIS
Chairman

A.E.

Steven E. Sher

STEVEN E. SHER
Executive Director

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This order was adopted by the Zoning Commission at its public meeting held on July 9, 1981 by a vote of 4-0 (John G. Parsons, Ruby B. McZier and Walter B. Lewis to adopt, George M. White to adopt by absentee vote, Lindsley Williams not voting, not having participated in the case as a member of the Commission).

In accordance with Section 3.6 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia in effect on the date the hearing was held (18 D.C. Register 891, Supp. No. 3, July 6, 1982), the amendments to the Zoning Regulations are effective on 7 AUG 1981.

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

Notice of Final Rulemaking

Zoning Commission Case No. 78-12

The Zoning Commission of the District of Columbia, pursuant to the authority set forth in the Zoning Act (D.C. Code Sec. 5-413 et seq.), having held public hearings as required, hereby gives notice of the adoption of amendments to the Zoning Regulations of the District of Columbia to define and regulate community based residential facilities. Notice of proposed rulemaking was published in the D. C. Register on April 10, 1981 at 28 DCR 1627. These amendments were adopted by the Zoning Commission as a final action at its public meeting held on July 9, 1981. The amendments will be effective upon publication in the D. C. Register. The specific amendments are as follows:

1. Delete the following definitions from Section 1202:

Convalescent or nursing home: a building, except a hospital used for the care, treatment or lodging of three or more persons not related by blood or marriage within the third degree of blood consanguinity to the operator, or manager thereof, who are either infirm, senile, afflicted, or suffering from any chronic physical or mental disease, illness, or affliction, or who are drug or alcoholic addicts or who are confined to bed or chair, or who require or receive special diet, individual feeding in special rooms, assistance in feeding, dressing, walking or toileting, or assistance in any other ordinary daily activities of life.

Halfway house or social service center: a community correctional, rehabilitation, assistance or treatment center for persons in need of such assistance. The facilities may include sleeping and dining quarters, meeting and classrooms, and recreation, counseling and office space related to the program.

Institution, philanthropic or eleemosynary: a place of asylum, other than a convalescent or nursing home or hospital, supported wholly or substantially by endowment or contribution.

Personal care home: a building or part thereof, except hospitals or asylums licensed by Act of Congress approved April 20, 1908, used as, maintained as, advertised as, or held out for the care, treatment or lodging, including the

administration of medications and assistance in toileting, dressing and eating for the accommodation of not more than four aged and/or infirm convalescents, not related by blood or marriage within the third degree of consanguinity to the operator of such home.

2. Add the following new definitions to Section 1202:

Community based residential facility: a residential facility for persons who have a common need for treatment, rehabilitation, assistance or supervision in their daily living. This definition includes, but is not limited to, facilities covered by D. C. Law 2-35, The Community Residence Facilities Licensure Act of 1977 and facilities formerly known as convalescent or nursing home, residential halfway house or social service center, philanthropic or eleemosynary institution, and personal care home. If an establishment is a community based residential facility as defined herein it shall not be deemed to constitute any other use permitted under the authority of these regulations. A community based residential facility may include separate living quarters for resident supervisors and their family. All community based residential facilities shall be included in one or more of the following sub-categories:

Youth residential care home-a facility providing safe, hygienic, sheltered living arrangements for one or more individuals less than eighteen years of age, not related by blood, adoption or marriage to the operator of the facility, who are ambulatory and able to perform the activities of daily living with minimal assistance.

Community residence facility - a facility which meets the definition for and is licensed as a community residence facility under the Health Care Facilities and Community Residence Facilities Regulations of the District of Columbia, as that definition may be amended from time to time. As of July 9, 1981, that definition is as follows:

"A facility providing safe, hygienic sheltered living arrangements for one (1) or more individuals aged eighteen (18) years or older (except that, in the case of group homes for mentally retarded persons, no minimum age limitation shall apply), not related by blood or marriage to the Residence Director, who are ambulatory and able to perform the activities of daily living with minimal assistance. The definition includes facilities, including halfway houses and group homes for mentally retarded persons, which provides a sheltered living arrangement for persons who desire or require supervision or assistance within a protective environment because of physical, mental, familial, social circumstances or mental

retardation. The definition does not include facilities providing sheltered living arrangements to persons who are in the custody of the District of Columbia Department of Corrections."

Health care facility - a facility which meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the Health Care Facilities and Community Residence Facilities Regulations of the District of Columbia, as those definitions may be amended from time to time. As of July 9, 1981, a skilled care facility is defined as follows:

"A facility or distinct part thereof primarily engaged in providing to in-patients continuous professional nursing coverage and related health services under the direct supervision of physicians. Skilled care facilities are solely limited to those facilities classified as nursing homes, convalescent homes, and extended care facilities which provide 24 hour professional nursing services and a complete program of health-related and rehabilitative services under direct supervision of a full-time Medical Director or principal physicians."

As of July 9, 1981, an intermediate nursing care facility is defined as "a facility, or distinct part thereof, primarily engaged in providing intermediate care," and intermediate care is defined as "professional nursing services provided under the direction of a physician to individuals who do not have such an illness, disease, injury, or other condition as to require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide. Services include both regular and continuing health related services."

Emergency shelter - a facility providing temporary housing for one or more individuals who are otherwise homeless and who are not in need of a long-term sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Facilities Regulations of the District of Columbia.

Youth rehabilitation home - a facility providing residential care for one or more individuals less than twenty-one years of age who have been detained or committed by a court pursuant to their involvement in the commission of an act designated as an offense under the law of the District of Columbia, or of a state if the act occurred in a state, or under Federal law. Such facility shall not house persons sixteen years of age or older who are charged by the United States Attorney with a felony offense.

Adult rehabilitation home - a facility providing residential care for one or more individuals sixteen years of age or older who

are charged by the United States Attorney with a felony offense, or any individual twenty-one years of age or older, under pre-trial detention or sentenced court orders.

Substance abusers home - a community residence facility which offers a sheltered living arrangement, as that arrangement is defined in the Health Care Facilities and Community Residence Facilities Regulations of the District of Columbia, for one or more individuals diagnosed by a medical doctor as abusers of alcohol, drugs or other controlled substances.

3. Permit certain community-based residential facilities housing up to four persons as a matter-of-right in R-1 and less restrictive Districts by adding the following new paragraph:

3101.314 Youth residential care home, community residence facility, health care facility or emergency shelter for not more than four persons, not including resident supervisors and their family.

4. Permit certain community based residential facilities housing five to eight persons as a matter-of-right in R-1 Districts by adding the following new paragraph:

3101.315 Youth residential care home, community residence facility or health care facility for five to eight persons, not including resident supervisors and their family, provided there is no property containing an existing community based residential facility for five or more persons in the same square and there is no property containing an existing community based residential facility for five or more persons within a radius of 1,000 feet from any portion of the subject property.

5. Delete present regulations permitting philanthropic institutions and personal care homes as special exceptions in R-1 Districts by deleting the following paragraphs:

3101.49 Philanthropic or eleemosynary institutions, not of a correctional nature, provided that:

3101.491 No goods, chattel, wares or merchandise are commercially created, exchanged or sold therein.

3101.492 Such use will not adversely affect the use of neighboring property; and

3101.493 Before taking final action on an application for such use, the Board shall have submitted the application to the District of Columbia Office of Planning and Development for review and report.

3101.413 Personal Care Homes provided that:

3101.4131 The facility conforms to all of the requirements of Article 880 of the Housing Regulations of the District of Columbia dealing with Personal Care Homes:

3101.4132 There is no other personal care home within six hundred (600) feet and the Board is satisfied that there are not already so many personal care homes in the immediate vicinity of the proposed personal care home as to be detrimental to the neighborhood, provided, however, that this Sub-Paragraph 3101.4132 shall not apply to personal care homes licensed and in operation as of the effective date of this Order.

Renumber existing Paragraphs 3101.410, to 3101.49, 3101.411 to 3101.410, 3101.412 to 3101.411 and 3104.414 to 3101.412.

6. Permit youth homes and community residence facilities housing nine to fifteen persons as a special exception in R-1 Districts by adding the following new paragraph:

3101.413 Youth residential care home or community residence facility for nine to fifteen persons, not including resident supervisors and their family, provided that:

3101.4131 There shall be no other property containing a community based residential facility for five or more persons in the same square and no other property containing a community based residential facility for five or more persons within a radius of 1,000 feet from any portion of the subject property.

3101.4132 There will be adequate appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

3101.4133 The proposed facility shall meet all applicable code and licensing requirements.

3101.4134 The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area.

3101.4135 The Board may approve more than one community based residential facility in a square or within 1,000 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations.

3101.4136 In the case of a community residence facility the Board may approve a facility for more than fifteen persons, not including resident supervisors and their

family, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location, and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

3101.4137 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections, and if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

7. Permit health care facilities housing nine or more persons as a special exception in R-1 Districts by adding the following new paragraph:

3101.414 Health care facility for nine to 300 persons, not including resident supervisors and their family, provided that:

3101.4141 There shall be no other property containing a community based residential facility for five or more persons in the same square and no other property containing a community based residential facility for five or more persons within a radius of 1,000 feet from any portion of the subject property.

3101.4142 There will be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

3101.4143 The proposed facility shall meet all applicable code and licensing requirements.

3101.4144 The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area.

3101.4145 The Board may approve more than one community based residential facility in a square or within 1,000 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations.

3101.4146 The Board may approve a facility for more than 300 persons, not including resident supervisors and their

family, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location, and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

3101.4147 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

8. Permit emergency shelters housing five to fifteen persons as a special exception in R-1 Districts by adding the following new paragraph:

3101.415 Emergency shelter for five to fifteen persons, not including resident supervisors and their family, provided that:

3101.4151 There shall be no other property containing a community based residential facility for five or more persons in the same square and no other property containing a community based residential facility for five or more persons within a radius of 1,000 feet from any portion of the subject property.

3101.4152 There will be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

3101.4153 The proposed facility shall meet all applicable code and licensing requirements.

3101.4154 The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area.

3101.4155 The Board may approve more than one community based residential facility in a square or within 1,000 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations.

3101.4156 The Board may approve a facility for more than fifteen persons, not including resident supervisors and their family, only if the Board finds that the program goals and objectives of the District of Columbia cannot

be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

3101.4157 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

9. Permit youth rehabilitation homes, adult rehabilitation homes and substance abusers homes housing one to eight persons as a special exception in R-1 Districts by adding the following paragraph:

3101.416 Youth rehabilitation home, adult rehabilitation home, or substance abusers home for one to eight persons, not including resident supervisors and their family, provided that:

3101.4161 There shall be no other property containing a community based residential facility for five or more persons in the same square and no other property containing a community based residential facility for five or more persons within a radius of 1,000 feet from any portion of the subject property.

3101.4162 There will be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

3101.4163 The proposed facility shall meet all applicable code and licensing requirements.

3101.4164 The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area.

3101.4165 The Board may approve more than one community based residential facility in a square or within 1,000 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations. The Board shall not approve more than one youth rehabilitation home, adult rehabilitation home or, substance abusers home in a square or within 1,000 feet of each other.

3101.4166 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections, and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

10. Permit certain community based residential facilities housing five to eight persons as a matter-of-right in R-2 and less restrictive districts by adding the following new paragraph:

3102.34 Youth residential care home, community residence facility or health care facility for five to eight persons, not including resident supervisors and their family, provided there is no property containing an existing community based residential facility for five or more persons in the same square and there is no property containing an existing community based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property.

11. Permit youth homes and community residence facilities housing nine to fifteen persons as a special exception in R-2 through R-4 Districts by adding the following new paragraph:

3102.42 Youth residential care home or community residence facility for nine to fifteen persons, not including resident supervisors and their family, provided that:

3102.421 There shall be no other property containing a community based residential facility for five or more persons in the same square and no other property containing a community based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property.

3102.422 There will be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

3102.423 The proposed facility shall meet all applicable code and licensing requirements.

3102.424 The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area.

3102.425 The Board may approve more than one community based residential facility in a square or within 500 feet only when the Board finds that the cumulative effect

of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations.

3102.426 In the case of a community residence facility, the Board may approve a facility for more than fifteen persons, not including resident supervisors and their family, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

3102.427 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections, and if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

12. Permit health care facilities housing nine or more persons as a special exception in R-2 through R-4 Districts by adding the following new paragraph:

3102.43 Health care facility for nine to 300 persons, not including resident supervisors and their family, provided that:

3102.431 There shall be no other property containing a community based residential facility for five or more persons in the same square and no other property containing a community based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property.

3102.432 There will be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

3102.433 The proposed facility shall meet all applicable code and licensing requirements.

3102.434 The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area.

3102.435 The Board may approve more than one community based residential facility in a square or within 500 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood

because of traffic, noise or operations.

3102.436 The Board may approve a facility for more than 300 persons, not including resident supervisors and their family, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

3102.437 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections, and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

13. Permit emergency shelters housing five to fifteen persons as a special exception in R-2 through R-4 Districts by adding the following new paragraph:

3102.44 Emergency shelter for five to fifteen persons, not including resident supervisors and their family, provided that:

3102.441 There shall be no other property containing a community based residential facility for five or more persons in the same square and no other property containing a community based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property.

3102.442 There will be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

3102.443 The proposed facility shall meet all applicable code and licensing requirements.

3102.444 The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area.

3102.445 The Board may approve more than one community based residential facility in a square or within 500 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations.

3102.446 The Board may approve a facility for more than fifteen persons, not including resident supervisors and their family, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

3102.447 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

14. Permit youth rehabilitation homes, adult rehabilitation homes and substance abusers homes housing one to eight persons as a special exception in R-2 and R-3 Districts by adding the following paragraph:

3102.45 Youth rehabilitation home, adult rehabilitation home, or substance abusers home for one to eight persons, not including resident supervisors and their family, provided that:

3102.451 There shall be no other property containing a community based residential facility for five or more persons in the same square and no other property containing a community based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property.

3102.452 There will be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

3102.453 The proposed facility shall meet all applicable code and licensing requirements.

3102.454 The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area.

3102.455 The Board may approve more than one community based residential facility in a square or within 500 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations. The Board shall not approve more than one youth rehabilitation home, adult rehabilitation home or substance abusers home

in a square or within 500 feet of each other.

3102.456 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections, and, if a historic district or historic landmark is involved of the State Historic Preservation Officer.

15. Delete present regulations permitting nursing homes, halfway houses and personal care homes as a matter-of-right in R-4 and less restrictive districts by deleting the following paragraphs:

3104.38 Convalescent or nursing home

3104.311 Personal care homes

3104.312 Halfway house or social service center when operated by an agency of the District or Federal Government or by an organization under contract to such agency and supervised by that agency.

Renumber existing paragraphs 3104.39 to 3104.38 and 3104.310 to 3104.39.

16. Delete present regulations permitting halfway houses as special exceptions in R-4 and R-5 Districts by deleting the following paragraph:

3104.47 Halfway house or social service center not operated by an agency of the District or Federal Government or an organization under contract to such agency and supervised by that agency provided:

- a. Such use is so located that it will not become unduly objectionable to the neighboring properties because of noise or other conditions.
- b. The size of the facility will not be out of scale and character with the immediate neighborhood and provided further that no structural changes shall be made except those required by other municipal laws or regulations.
- c. No sign or other indication identifies the nature of the use.
- d. Such authorization of the Board shall be limited to a reasonable period of time not to exceed three (3) years. The Board may renew such authorization.

17. Permit youth rehabilitation homes, adult rehabilitation homes and substance abusers homes housing one to fifteen persons as a special exception in R-4 Districts by adding the following new paragraph:

3104.47 Youth rehabilitation home, adult rehabilitation home, or substance abusers home for one to fifteen persons, not including resident supervisors and their family, provided that:

3104.471 There shall be no other property containing a community based residential facility for five or more persons in the same square and no other property containing a community based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property.

3104.472 There will be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

3104.473 The proposed facility shall meet all applicable code and licensing requirements.

3104.474 The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area.

3104.475 The Board may approve more than one community based residential facility in a square or within 500 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations. The Board shall not approve more than one youth rehabilitation home, adult rehabilitation home or substance abusers home in a square or within 500 feet of each other.

3104.476 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections, and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

18. Delete present regulations permitting philanthropic institutions as a matter-of-right in R-5 and less restrictive districts by deleting the following paragraph:

3105.36 Philanthropic or eleemosynary institution

19. Permit certain community based residential facilities housing up to fifteen persons as a matter-of-right in R-5 and SP Districts by adding a new paragraph 3105.36 as follows:

3105.36 Youth residential care home, community residence facility or health care facility for five to fifteen persons, not including resident supervisors and their family, provided there is no property containing an existing community based residential facility for five or more persons in the same square and there is no property containing an existing community based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property.

20. Permit certain community based residential facilities housing sixteen to twenty-five persons as special exceptions in R-5 Districts by adding a new paragraph 3105.47 as follows:

3105.47 Youth residential care home or community residence facility for sixteen to twenty-five persons, not including resident supervisors and their family, provided that:

3105.471 There shall be no other property containing a community based residential facility for five or more persons in the same square and no other property containing a community based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property.

3105.472 There will be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees and visitors to the facility.

3105.473 The proposed facility shall meet all applicable code and licensing requirements.

3105.474 The facility will not have an adverse impact on the neighborhood because of traffic, noise, operations or the number of similar facilities in the area.

3105.475 The Board may approve more than one community based residential facility in a square or within 500 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise or operations.

3105.476 The Board may approve a facility for more than twenty-five persons, not including resident supervisors and their family, only if the Board finds that the program goals and objectives of the District of Columbia cannot be

achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

3105.477 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections, and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

21. Permit health care facilities housing sixteen to 300 persons as a special exception in R-5 Districts by adding the following new paragraph:

3105.48 Health care facility for sixteen to 300 persons not including resident supervisors and their family, provided that:

3105.481 The applicant shall meet the standards and requirements set forth in Sub-paragraphs 3105.471 through 3105.475.

3105.482 The Board may approve a facility for more than 300 persons, not including resident supervisors and their family, only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the subject location and if there is no other reasonable alternative to meet the program needs of that area of the District of Columbia.

3105.483 The Board shall submit the application to the Assistant City Administrator for Planning and Development for coordination, review, report, and impact assessment along with reports in writing of all relevant District departments and agencies, including but not limited to the Departments of Transportation, Human Services and Corrections, and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

22. Permit emergency shelters housing five to twenty-five persons as special exceptions in R-5 Districts by adding the following new paragraph:

3105.49 Emergency shelters for five to twenty-five persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3105.47.

23. Permit youth rehabilitation homes, adult rehabilitation homes and substance abusers homes as special exceptions in R-5 Districts by adding the following new paragraph:

3105.410 Youth rehabilitation home, adult rehabilitation home or substance abusers home for one to twenty persons not including resident supervisors and their family, subject to the standards and requirements of Sub-paragraphs 3105.471 through 3105.475 and 3105.477.

24. Permit certain community based residential facilities as special exceptions in SP Districts by adding a new paragraph 4101.49 as follows:

4101.49 Community based residential facilities in the following sub-categories:

4101.491 Youth residential care home or community residence facility for sixteen to twenty-five persons not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3105.47.

4101.492 Health care facility for sixteen to 300 persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3105.48.

4101.493 Emergency shelter for five to twenty-five persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3105.47.

4101.494 Youth rehabilitation home, adult rehabilitation home or substance abusers home for one to twenty persons, not including resident supervisors and their family, subject to the standards and requirements of Sub-paragraphs 3105.471 through 3105.475.

25. Make a clarifying amendment to the SP floor area ratio regulations in Sub-section 4301.3 by adding "or community based residential facility" after the word "inn."

26. Delete present regulations permitting halfway houses, nursing homes, personal care homes and philanthropic institutions as a matter-of-right in W Districts:

4402.393 Emergency shelter for five to twenty-five persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3105.47.

4402.394 Youth rehabilitation home, adult rehabilitation home or substance abusers home for one to twenty persons, not including resident supervisors and their family, subject to the standards and requirements of Sub-paragraphs 3105.471 through 3105.475.

Renumber existing paragraph 4402.39 to 4402.310.

30. Make conforming amendments in W Districts as follows:

- a. Amend Sub-section 4404.4, regarding floor area ratio to read as follows:

4404.4 For the purposes of this section, "residential purposes" shall include dwelling, flats, multiple dwellings, rooming and boarding houses, community based residential facilities, inns and guest room areas and service areas within hotels.

- b. Amend Sub-section 4405.1, regarding parking, to delete "nursing home" and add the following:

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
<u>Community based residential facility</u>	
1 to 8 persons housed	1
9 to 15 persons housed	2
16 or more persons housed	As determined by the BZA

- c. Amend Paragraph 4406.13, regarding lot occupancy, to read as follows:

4406.13 For the purposes of this sub-section, "residential use" shall be dwelling, flats, multiple dwellings, rooming and boarding houses, hospitals and community based residential facilities.

- d. Amend Paragraph 4406.24, regarding rear yards, to read as follows:

4406.24 For the purposes of this section, "residential building or structure" shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals, hotels, inns and community based residential facilities.

- e. Amend Paragraph 4406.42, regarding courts, to read as follows:

4406.42 For the purposes of this sub-section, "residential building" shall be dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals and community based residential facilities.

31. Delete present regulations premitting halfway houses, nursing homes, personal care homes and philanthropic institutions as a matter-of-right in CR Districts:

- a. Amend Paragraph 4502.23, to delete halfway house, to read as follows:

4502.23 Community center.

- b. Delete the following paragraphs:

4502.26 Convalescent home, nursing home, or personal care home.

4502.27 Philanthropic or eleemosynary institution

32. Permit certain community based residential facilities housing up to four persons as a matter-of-right in CR Districts by adding a new paragraph 4502.26 as follows:

4502.26 Youth residential care home, community residence facility, health care facility or emergency shelter for not more than four persons, not including resident supervisors and their family.

33. Permit certain community based residential facilities housing five to fifteen persons as a matter-of-right in CR Districts by adding a new paragraph 4502.27 as follows:

4502.27 Youth residential care home, community residence facility or health care facility for five to fifteen persons, not including resident supervisors and their family, provided there is no property containing an existing community based residential facility for five or more persons in the same square and there is no property containing an existing community based residential facility for five or more persons

within a radius of 500 feet from any portion of the subject property.

34. Permit certain community based residential facilities as special exceptions in CR Districts by adding a new paragraph 4502.312 as follows:

4502.312 Community based residential facilities in the following sub-categories:

4502.3121 Youth residential care home or community residence facility for sixteen to twenty-five persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3104.47.

4502.3122 Health care facility for sixteen to 300 persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3105.48.

4502.3123 Emergency Shelter for five to twenty-five persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3105.47.

4502.3124 Youth rehabilitation home, adult rehabilitation home or substance abusers home for one to twenty persons, not including resident supervisors and their family, subject to the standards and requirements of Sub-paragraphs 3105.471 through 3105.475.

Renumber existing Paragraph 4502.312 to 4502.313

35. Make conforming amendments in CR Districts as follows:

- a. Amend Sub-section 4504.2, regarding floor area ratio, to read as follows:

4504.2 For the purposes of this section, "residential purposes" shall include dwelling, flats, multiple dwellings, rooming and boarding houses, community based residential facilities, inns and guest room areas and service areas within hotels.

- b. Amend Sub-section 4505.1, regarding parking, to delete "nursing home" and add the following:

<u>Use</u>	<u>Minimum Number of Spaces</u>	<u>Maximum Number of Spaces</u>
<u>Community Based Residential Facility</u>		
1 to 8 persons housed	1	1
9 to 15 persons housed	2	2
16 or more persons housed	As determined by the BZA	As determined by the BZA

- c. Amend Paragraph 4506.23, regarding lot occupancy, to read as follows:

4506.23 For the purposes of this Sub-section, "residential uses" shall include dwellings, flats, multiple dwellings, rooming and boarding houses and community based residential facilities.

- d. Amend Paragraph 4506.33, regarding residential recreation space, to read as follows:

4506.33 For the purposes of this Sub-section, "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses and community based residential facilities.

- e. Amend Paragraph 4506.45, regarding rear yards, to read as follows:

4506.45 For these purposes of this Sub-section "residential building or structure" shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals, hotels, inns and community based residential facilities.

- f. Amend parts of Sub-section 4506.6 and 4506.7, regarding courts, to read as follows:

For the purposes of this Sub-section, "residential building shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, hospitals and community based residential facilities.

36. Permit certain community based residential facilities as a matter-of-right in C-1 Districts:

- a. Add to the end of Paragraph 5101.31 "except a community based residential facility for five or more persons not including resident supervisors and their family."

- b. Add a new Paragraph 5101.313 as follows:

5101.313 Youth residential care home, community residence facility or health care facility for five to eight persons, not including resident supervisors and their family, provided there is no property containing an existing community based residential facility for five or more persons in the same square and there is no property containing an existing community based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property.

37. Permit community based residential facilities as special exceptions in C-1 Districts by adding a new paragraph 5101.46 as follows:

5101.46 Community based residential facilities in the following sub-categories:

5101.461 Youth residential care home, or community residence facility for nine to fifteen persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3102.42.

5101.462 Health care facility for nine to 300 persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3102.43.

5101.463 Emergency shelter for five to fifteen persons not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3102.44.

5101.464 Youth rehabilitation home, adult rehabilitation home,
or substance abusers home for one to fifteen persons, not
including resident supervisors and their family, subject
to the standards and requirements of Paragraph 3104.47.

38. Permit certain community based residential facilities as a matter-of-right in C-2 Districts by adding a new paragraph 5102.38 as follows:

5102.38 Youth residential care home, community residence facility or health care facility for five to fifteen persons, not including resident supervisors and their family, provided there is no property containing an existing community based residential facility for five or more persons in the same square and there is no property containing an existing community based residential facility for five or more persons within a radius of 500 feet from any portion of the subject property.

39. Permit community based residential facilities as special exceptions in C-2 Districts by adding a new paragraph 5102.47 as follows:

5102.47 Community based residential facilities in the following sub-categories:

5102.471 Youth residential care home or community residence facility for sixteen to twenty-five persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3105.47.

5102.472 Health care facility for sixteen to 300 persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3105.48.

5102.473 Emergency shelter for five to twenty-five persons, not including resident supervisors and their family, subject to the standards and requirements of Paragraph 3105.47.

5102.474 Youth rehabilitation home, adult rehabilitation home or substance abusers home for one to twenty persons, not including resident supervisors and their family, subject to the standards and requirements of Sub-paragraphs 3105.471 through 3105.475.

40. Permit community based residential facilities with no limit on persons housed as a matter-of-right in C-3 and less restrictive districts by adding a new paragraph 5103.37 to read as follows:

5103.37 Community based residential facility.

41. Make a clarifying amendment to the C floor area ratio requirements in Sub-section 5301.4 by adding "or community based residential facility" after the word "inn."
42. Make a clarifying amendment to the CM District use regulations by adding to the end of Paragraph 6101.31, "For the purpose of this paragraph, a community based residential facility is not a commercial use."
43. Delete existing parking requirements in Sub-section 7202.1 for "convalescent or nursing home" and "philanthropic or eleemosynary institution."
44. Add parking requirements in Sub-section 7202.1, under the general category of "residential use, "as follows:

